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12/27/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

☒ Responsive to communication(s) filed on _Jul 14, 1998_ .

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ___3___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) _1-20_ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) _1-10 and 12-20_ is/are rejected.

☒ Claim(s) _11_ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

**Application Papers**

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _2 and 3_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

# DETAILED ACTION

## *Use of Trademarks in an Application*

1.      The use of trademarks "ActiveX" and "OnMnemonic Method" has been noted in this

application. It should be capitalized whenever it appears and be accompanied by generic

terminology.

        Although the use of trademarks is permissable in patent applications, the proprietatry

nature of the marks should be respected and every effort made to prevent their use in any manner

which might adversely affect their validity as trademarks.

## *Claim Rejections - 35 USC § 112*

2.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
> distinctly claiming the subject matter which the applicant regards as his invention.

3.      Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant regards

as the invention.

4.      Claim 10 recites the limitation "container" in lines 2 and 3. There is insufficient antecedent

basis for this limitation in the claim.

5.      Claim 11 recites the limitation "container" in lines 2 and 3. There is insufficient antecedent

basis for this limitation in the claim.

For purpose of continuing the search and since the limitation "container" first appears in

claim 9, claims 10 and 11 were presumed to be dependent on claim 9.

6.      Claim 11 is rejected as being indefinite in as much as it appears to be a trademark.

See MPEP 2173.05(u).

### *Claim Rejections - 35 USC § 102*

7.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8.      Claims 1-7, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Hashimoto et al.

As per claims 1 and 7 (1) of a speech engine for recognizing speech by providing a

vocabulary of commands for performing at least two tasks and claims 16 and 17 (1) of

recognizing spoken commands and (2) of associating commands with at least two active tasks,

Hashimoto (US Patent 5,632,002) teaches a speech recognition interface of vocabularies for multiple simultaneous applications (abstract, lines 1-5) such as commands for a text editor performing a number of word processing commands such as "cancel", "cut", "paste", "copy" and "font" (column 29, line 49 - column 30, line 3).

As per claims 1 and 7 (2) of communicating a command set for an activated task and claims 16 and 17 (3) of providing input to a task and not some other task, Hashimoto teaches speech recognition for recognizing multiple command sets from multiple application programs wherein each recognized command is appropriate to the task from which the spoken message originated (column 10, lines 26 - 36).

As per claim 2 of a speech engine which uses a phoneme based speech recognition, Hashimoto teaches the option of phoneme recognition for recognizing voice mail addresses of those persons from whom voice mail has not been received in the past (column 58, lines 61-65).

As per claim 3 of a speech engine informed of the vocabulary used by an active task, Hashimoto teaches communication in advance to the speech engine of a management table used by the message processing unit to determine the recognition vocabulary for the input speech and to determine the destination of the recognized result (column 10, lines 48-57).

As per claim 4 of a speech engine informed of the vocabulary used by an active window and claim 6 of said vocabulary informing the speech engine of vocabulary used for all tasks, Hashimoto teaches an embodiment which assigns windows identified by window names to each of multiple tasks wherein each has its own input masks and vocabulary set (column 62, lines 1-8).

As per claim 5 of advising a server of the vocabuary of an active task while running an application and causing the server to communicate that vocabulary to the search engine, Hashimoto teaches the speech recognition interface system as aspeech recognition server which controls existing application programs by making speech inputs replace the keyboard inputs already existing in application programs by recognition vocabularies which are narrowed down to the menu hierarchy of applications (column 39, lines 16-51).

9.      Claims 8-10, 12-15, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Andreshak.

As per claims 8 and 12 (1) of speech recognition which associates speec commands with identifiers and (2) of associating identifiers with actions which respond to speech commands, Andreshak (US Patent 5,664,061) teaches acoustic models for each active state by a set of global acoustic command models representing global commands identifying functions as actions which can be performed in each active state of a target program (column 3, lines 61-65).

As per claims 8 and 12 (3) of determining the identifier for a spoken command, Andreshak teaches storage of acoustic command models which identify features representing words as system commands included in a active state vocabulary which is identified from which is selected a command associated with the best match acoustic command model and the selected command signal is output (column 4, lines 20-37).

As per claims 8 nd 12 (4) of providing the identifier to a software object, Andreshak teaches identifying at least one object displayed in the active state image of the target computer program which may comprise an operating system alone, an application and an operating system,combined, or two or more applications and an operating system (column 4, lines 38-48; column 3, lines 42-47).

As per claims 9, 10 and 13 of creating an object in a container and communicating an identifier signal to identify an object when a command is spoken and communicating information to the object on a vocabulary list in the container for a command used in an active task and sending the identifier for the command to the object, Andreshak teaches illustration by describing C programming language source code of reading an active state image for creating vocabulary from the active state image defined for the speech recognition engine and outputting a command signal from the active-state vocabulary having the best match score (column 16, lines 18-26).

As per claim 14 and 15 (1) of computer response to inputs by an object receiving spoken or non-spoken commands, Andreshak teaches a speech recognizer for converting an utterance to a command signal (abstract, lines 2-4) resulting in a displayed object identifying functions performed by the command signal performing the command invoked on the target program (abstract, lines 8-12) as an object on a menu of active state commands  as though inputted by unspoken keyboard or other unspoken standard input (column 4, lines 38-48).

As per claims 14 and 15 (2) of firing an event when the object receives command information, Andreshak teaches invoking displays of the object invoked as active state command

signals as would have been inputted by mouse or keyboard or by speech recognition (column 5, lines 24-39) resulting in a sequence of consequential interactive events generated by the target program or by the operating system (column 6, lines 3-15).

As per claim 18 (1) of a system with a processor capable of executing tasks, Andresak teaches an interactive computer system which executes tasks as a vocabulary of commands invoked on target programs (column 1, lines 8-20; column 2, lines 26-36).

As per claim 18 (2) of memory coupled to the processor, Andreshak teaches memory coupled to an interactive computer system (column 15, lines 27-37).

As per claim 18 (3) of an input device for spoken commands and claim 19 of tactile input of commands, Andreshak teaches a target program executed by way of an input device such as a keyboard, mouse or speech recognizer (column 1, lines 8-15).

As per claim 18 (4) of a device for maintaining a table of spoken phrases corresponding to an identifier and changing the table to reflect the vocabulary of a currently active task, Andreshak teaches Table 1 and Table 2 as different active-state vocabularies of spoken commands for speech recognition of commands either for the first active-state or for the second-active state respectively (column 11, lines 28-33), where in a time period of a target program only one active state occurs (column 11, lines 45-47) and wherein the first active state vocabulary changes dynamically based on the identity of the target program or on signals identifying an active state of the target program (column 31, lines 32-40).

10. Claims 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Trower II et al.

As per claims 14 and 15 (1) of computer response to inputs by an object receiving spoken or non-spoken commands, Trower II et al (US Patent 5,983,190) teaches a commands object that enables clients to specify a coollection of commands that an agent object will respond to a client is made active including a list of commands that the server defines for general interaction with the user as accessed visually through a window as a caption with visible properties or as accessed by setting the voice property of a command for speech recognition (column 27, lines 4-26).

As per claims 14 and 15 (2) of firing an event when the object receives command information, Trower II et al teaches an OLE control object in a host application called a container where OLE controls an event by notifying a container that something has happened to be implemented in the container by standard OLE automation methods by calling the proper container method to fire the event (column 21, lines 24-40).

## *Claim Rejections - 35 USC § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

12.     Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andreshak in view

of salazar.

Claim 18 is taught by Andreshak but application of the speech recognition device mounted

in an automobile is not taught by Andreshak.

Salazar et al (US Patent Number 5,774,841) teaches speech recognition which is

ruggedized and robust for use in noisy environments such as in aircraft and automobiles (column

1, line 47 - column 2, line 16).

It would have been obvious at the time of the invention to combine the ruggedized speech

recognition suitable for use in noisy and high vibration environments such as automobiles and

airplanes as taught by Salazar with the interactive speech recognizer for recognizing commands

simultaneously for the operating system and multiple applications as taught by Andreshak. Both

approaches utilize dynamic changing vocabularies which adapt to different applications and both

approaches are based on audio/visual feedback to the user. The Salazar approach integrates

training and change of vocabulay to eliminate ambiguities in recognition of commands and

verification and prompt signals for hands free operation. Combining the two approaches would

have been motivated by the need for accessing the internet for information primarily conveyed by

speech with limited display as would have been suitable for operating in noisy environments

requiring hands free operation of equiptment such as in the drivers seat of an automobile or the cockpit of an airplane.
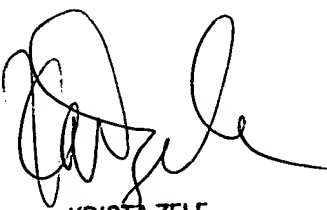
13.     The applicant should note that no determination of patentability can be made for claim 11 due to its indefiniteness as discussed above.

14.     Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sax whose telephone number is (703) 306-3017.

If attempts to reach the examiner are unsuccessful, the examiners supervisor, Krista Zele can be reached at (703) 305-4701.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

RLS

KRISTA ZELE
SUPERVISORY PATENT EXAMINER
GROUP 2700

December 13, 1999